REMARKS

Claims 84 - 92 and 105 - 127 are pending. Claims 84, 85, 89, 105, and 106 have been amended. Claims 114 – 127 have been added. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the July 27, 2005 Office Action, the Examiner rejected claims 84 – 92 and 105 – 113 under 35 U.S.C. § 112, second paragraph as being indefinite because of the failure to describe transaction participants. The Examiner also indicated that the claim language is not clear on how the instructions could facilitate the interaction between the self-contained business transaction capsule and modification of the wireless business transaction. Further, the Examiner stated that the claims fail to indicate how the instructions would allow transfer of the entire self-contained business transaction capsule from the wireless communicating electronic device. The applicant discussed this with the Examiner during an interview. The applicant has amended the claims to address the Examiner's concerns and respectfully submits that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

The Examiner rejected claims 84 – 90 and 105 – 11 under 35 U.S.C. § 102(b) as being anticipated by Amazon.com ("the Amazon reference"). The Examiner rejected claims 91, 92, 112, and 113 under 35 U.S.C. § 103(a) as being unpatentable over the Amazon reference in view of Bluetooth ("the Bluetooth reference"). In the July 27, 2005 Office Action, the Examiner stated that the office action was a final Office Action. These rejections are respectfully traversed.

The applicant would like to thank Examiner Lugo and Examiner Winehart for

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taking the time to communicate with us to address the rejections under 35 U.S.C. §

112, second paragraph. In addition, the applicant thanks the Examiners for

participating in the November 1, 2005 interview. During this interview, Examiner Lugo

agreed to withdraw the finality of the rejection and the applicant thanks the Examiner for

his consideration. The applicant have amended the claims to address the Examiners'

concerns and also to incorporate the Examiner's suggestions.

Claim 84, as amended, distinguishes over the Amazon reference. Claim 84, as

amended, recites:

> A self-contained business transaction capsule, comprising:
> a machine readable storage medium, the machine-readable
> storage medium including transaction data, the transaction data including
> data regarding transaction products, transaction services, and transaction
> participants;
> machine readable program code, stored on the machine-readable
> storage medium, the machine readable program code having instructions,
> which when executed cause a wireless communicating electronic device
> to:
> initiate interaction between the transaction participants and the self-
> contained business transaction capsule by receiving input regarding a
> business transaction;
> modify the transaction data, by receiving input, to create modified
> transaction data; and
> **transfer the entire self-contained business transaction
> capsule, which includes the transaction data, the modified
> transaction data, and the machine-readable program code, from the
> wireless communicating electronic device to other transaction
> participants wireless electronics devices utilizing wireless
> communications.**

The Amazon reference does not disclose, teach, or suggest the self-contained

business transaction data of claim 84, as amended. The Examiner states that the

Amazon reference discloses the previously pending claim 84, specifically the transfer

limitation by disclosing that the entire software, i.e., the Amazon software, is beamed to

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another Palm device. *(Office Action, page 4).* Specifically, the Amazon reference discloses that the Amazon.com application can be beamed to someone else's Palm Device by pressing the home button on a Palm VII. Then a system icon at the bottom left of the screen is pressed, the Palm device is pointed at another Palm device, the Beam application menu option is selected, the Amazon application is selected, and the Beam button menu option is selected. *(Amazon, page 3 of 6).* In other words, the beaming takes place in the Palm device operating system, not within the Amazon application.

This is not the same as a self-contained business transaction capsule including machine readable program code, stored on the machine-readable storage medium, the machine readable program code having instructions, which when executed cause a wireless communicating electronic device to modify the transaction data, by receiving input, to create modified transaction data and **transfer the entire self-contained business transaction capsule, which includes the transaction data, the modified transaction data, and the machine-readable program code, from the wireless communicating electronic device to other transaction participants wireless electronics devices utilizing wireless communications.** It is not the same because, as discussed in the interview, the Amazon reference discloses only the transferring the of the application software, which would be akin to the transfer of only the machine-readable program code of the self-contained business transaction capsule. There is no disclosure in the Amazon reference that <u>any transaction data is transferred or that any modified transaction data is transferred</u>. In fact, the Amazon reference, by use of the word *application*, is only disclosing that the executable program is transferred. The

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novelty of the self-contained business transaction capsule recited in claim 84, as amended, is that the data, the modified data (or the added data) and the logic are transferred together. In addition, the **Amazon application software itself** does not include program code does not include instructions, which when executed, cause the wireless communicating electronics device to **transfer the entire self-contained business transaction capsule.** Instead, as is disclosed in the Amazon reference, it is the Palm VII operating system, not the Amazon application software (the Amazon application software being akin to the claimed self-contained business transaction capsule of claim 84), which includes beam application functionality. Accordingly, the Amazon application software does not include the functionality to **transfer the entire self-contained business transaction capsule,** as is recited in claim 84, as amended. In other words, the instruction to transfer the capsule is actually within the capsule logic, not as a result of the user executing the Palm OS Beam utility by hitting the Home/Menu/Beam button series. Accordingly, applicant respectfully submits that claim 84, as amended, distinguishes over the Amazon reference.

The Bluetooth reference does not make up for the deficiencies of the Amazon reference. The Examiner utilizes the Bluetooth reference to disclose that portable electronic devices utilize short-range radio waves. Assuming, *arguendo*, that the Bluetooth reference discloses all that the Examiner states that it does, the Bluetooth reference does not disclose a self-contained business transaction capsule including machine readable program code, stored on the machine-readable storage medium, the machine readable program code having instructions, which when executed cause a wireless communicating electronic device to modify the transaction data, by receiving

input, to create modified transaction data and **transfer the entire self-contained business transaction capsule, which includes the transaction data, the modified transaction data, and the machine-readable program code, from the wireless communicating electronic device to other transaction participants wireless electronics devices utilizing wireless communications.** Accordingly, applicant respectfully submits that claim 84, as amended, distinguishes over the Bluetooth / Amazon combination.

Independent claims 105 and 114 – 117 recite limitations similar to independent claim 84, as amended. Independent claim 105 is a method claim including a self-contained business transaction capsule. Independent claim 114 is differs from claim 84 in that claim 114 recites the creation and transfer of additional transaction data, rather than the creation and transfer of modified transaction data. Independent claims 115 – 117 recite industry specific self-contained business transaction capsules and are modeled after claim 84. Each of independent claims 115 – 117 are supported by description on pages 13 – 16, 17 – 18, and 21 – 22 of the specification. Accordingly, applicant respectfully submits that independent claims 105 and 114 – 117 distinguish over the Amazon / Bluetooth combination for reasons similar to claim 84, as amended.
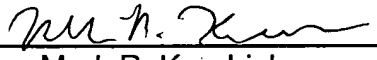
Claims 85 – 92, 106 – 113, and 118 - 127 depend, directly or indirectly, on claims 84, 105, and 114 - 117. Accordingly, applicant respectfully submits that claims 85 – 92, 106 – 113, and 118 – 127 distinguish over the Amazon / Bluetooth combination for the same reasons as discussed above for claim 84, as amended.

Applicant believes that the claims are in condition for allowance, and a favorable

action is respectfully requested. If for any reason the Examiner finds the application

other than in condition for allowance, the Examiner is requested to call either of the

undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss

the steps necessary for placing the application in condition for allowance should the

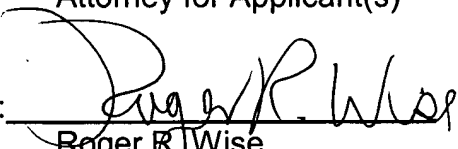Examiner believe that such a telephone conference would advance prosecution of the

application.

Respectfully submitted,

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